



U.S. Fish & Wildlife Service

ESA Basics

40 Years of Conserving Endangered Species

When Congress passed the Endangered Species Act (ESA) in 1973, it recognized that our rich natural heritage is of "esthetic, ecological, educational, recreational, and scientific value to our Nation and its people." It further expressed concern that many of our nation's native plants and animals were in danger of becoming extinct.

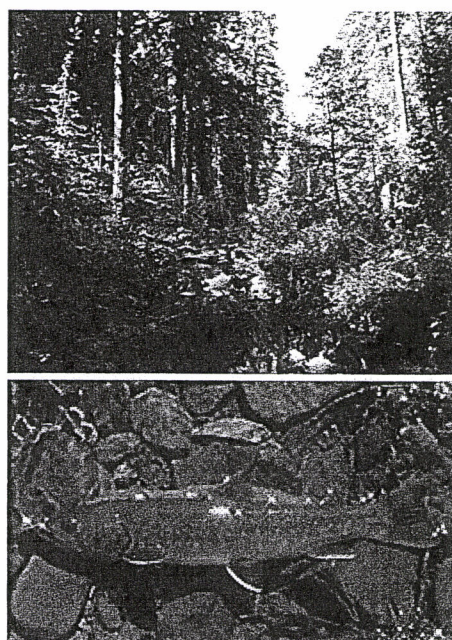
The purpose of the ESA is to protect and recover imperiled species and the ecosystems upon which they depend. The Interior Department's U.S. Fish and Wildlife Service (FWS) and the Commerce Department's National Marine Fisheries Service (NMFS) administer the ESA. The FWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon.

Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. For the purposes of the ESA, Congress defined species to include subspecies, varieties, and, for vertebrates, distinct population segments.

As of January 2013, the FWS has listed 2,054 species worldwide as endangered or threatened, of which 1,436 occur in the United States.

How are Species Listed?

Section 4 of the ESA requires species to be listed as endangered or threatened solely on the basis of their biological status and threats to their existence. When evaluating a species for listing, the FWS considers five factors: 1) damage to, or destruction of, a species' habitat; 2) overutilization of the species for commercial, recreational, scientific, or educational purposes; 3) disease or



At home in streams and lakes in Washington, Oregon, Idaho, Montana, and Nevada, the threatened bull trout needs clean, cold water with deep pools, logs for hiding, connected habitat across the landscape and, for spawning and rearing, clean streambed gravel.

predation; 4) inadequacy of existing protection; and 5) other natural or manmade factors that affect the continued existence of the species. When one or more of these factors imperils the survival of a species, the FWS takes action to protect it. The Fish and Wildlife Service is required to base its listing decisions on the best scientific information available.

Candidates for Listing

The FWS also maintains a list of "candidate" species. These are species for which the FWS has enough information to warrant proposing them for listing but is precluded from doing so by higher listing priorities. While listing actions of higher priority go forward, the FWS works with States, Tribes, private landowners, private partners, and other Federal agencies to carry out conservation actions for these species to prevent further decline and possibly eliminate the need for listing.

SENATE FISH AND GAME

Exhibit No. 5

Date 02.05.2015

Bill No. SB 247

Protection

The ESA protects endangered and threatened species and their habitats by prohibiting the "take" of listed animals and the interstate or international trade in listed plants and animals, including their parts and products, except under Federal permit. Such permits generally are available for conservation and scientific purposes.

What is "Take"?

The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Through regulations, the term "harm" is defined as "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on Federal land. Protection from commercial trade and the effects of Federal actions do apply for plants. In addition, States may have their own laws restricting activity involving listed species.

Recovery

The law's ultimate goal is to "recover" species so they no longer need protection under the ESA. Recovery plans describe the steps needed to restore a species to ecological health. FWS biologists write and implement these plans with the assistance of species experts; other Federal, State, and local agencies; Tribes; nongovernmental organizations; academia; and other stakeholders.

Federal Agency Cooperation

Section 7 of the ESA requires Federal agencies to use their legal authorities to promote the conservation purposes of the ESA and to consult with the FWS and NMFS, as appropriate, to ensure that effects of actions they authorize, fund, or